

Office of Congressman Charles W. Dent  
*Proudly Representing Pennsylvania's 15<sup>th</sup> District*



For Immediate Release  
November 3, 2005

Contact: Gregg W. Bortz  
610-861-9734 or (cell) 202-222-5118

### Congressman Dent votes to protect private property rights

WASHINGTON, D.C. (Nov. 3) — U.S. Rep. Charlie Dent today voted for the Private Property Rights Protection Act, H.R. 4128, which reaffirms Americans' property ownership rights in light of a recent Supreme Court decision.

Under the Supreme Court's decision in the case of *Kelo v. City of New London*, the Court essentially ruled that government can take land by eminent domain for purposes of economic development. H.R. 4128 says that states or municipalities that abuse their eminent domain power under the guise of economic development may risk losing federal economic development funding.

Congressman Dent issued this statement in support of the bipartisan bill, which passed overwhelmingly:

"The Kelo decision was a shocking slap in the face to everything this country has stood for since its founding. I've read the Declaration of Independence and the Constitution. There's no evidence the Founding Fathers thought government should take private property just because it wants more tax dollars. Quite the opposite; they specifically protected ownership rights every way they could.

"This bill sends the message that government is in the business of protecting Americans' homes and businesses. The right to own property is the centerpiece of the American Dream. Nobody should live under the threat of losing that dream because they don't generate as much tax money as a

shopping mall. Today, Americans can be assured land grabs won't become a nightmarish part of American life.

“If you look at our 15<sup>th</sup> District, it's almost certain that efforts to use the Kelo precedent would target the economically disadvantaged in our cities. Ongoing efforts to wisely redevelop our urban cores could turn into free-for-alls where the developer with the best lawyer always wins, and those without the resources to fight lose their homes.

“There are times and places where eminent domain is appropriate. Sometimes there's no choice when you're dealing with a scofflaw, absentee landlord whose property is blighting a whole neighborhood. Sometimes there's no choice of another location for a road or a school or a firehouse, and eminent domain has to be invoked.

Finally, this bill is important because it protects the rights of homeowners who might otherwise be victimized by government over-reaching. While no one wants to discourage economic development, the government should not be in the business of taking away your home just because some real estate mogul thinks your backyard is a perfect location for another Starbucks franchise.”

Highlights of H.R. 4128, the Private Property Rights Protection Act of 2005:

- The bill enhances the penalty for states and localities that abuse their eminent domain power by denying states or localities that commit such abuse all federal economic development funds for a period of two years
- Under this legislation, there is a clear connection between the federal funds that would be denied and the abuse Congress is seeking to prevent
- States and localities will have the clear opportunity to cure any violation before they lose any federal economic development funds
- An express private right of action to make certain that those suffering injuries from a violation of the bill will be allowed access to state or federal court to enforce its provisions; and
- The Private Property Rights Protection Act includes carefully crafted refinements of the definition of “economic development”

that specifically allow the types of takings that, prior to *Kelo* decision, had achieved a consensus as to their appropriateness.

###